

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

Civil Action No. 16-CV-11077-WGY

Ranjit Singanayagam, as he is)
the City of Cambridge's)
Commissioner of Inspectional)
Services, et. al.)
)
Plaintiffs,)
)
V.)
)
Kenneth B. Krohn,)
Defendant)
Third Party Plaintiff)
And Cross Claimant)
)
and)
)
Sean D. Hope , as Grantee in a)
Real Estate Contract for the)
subject property at)
12 Arnold Circle, Cambridge, MA)
Intervenor)

U.S. DISTRICT COURT
DISTRICT OF MASS.

2017 DEC - 6 PM 12: 49

FILED
IN CLERKS OFFICE

Emergency Motion to Intervene & Stay Receivership

Now comes Sean D. Hope, and pursuant to Fed. R. Civ. P. 24 [Intervention] moves this court to Intervene in this matter. As grounds therefore, Hope states that he is the grantee in a real estate contract to purchase the subject property at 12 Arnold Circle, Cambridge, MA (the "Arnold Circle"), and therefore "claims an interest relating to the property or transaction that is the subject of the action." Fed. R. Civ. P. 24(a)(2).

Additionally, Hope further moves this court to Stay the Receivership, as Hope has responded and complied with the City requests to make the property safe including.

In November 2017 Hope contacted both the Cambridge Inspectional Services Department and Cambridge Fire Prevention Department and informed them of his contract rights to purchase Arnold Circle for the purpose of immediately renovating the property via a duly authorized building permit. On or about Monday October 30th Hope met with Cambridge Building

Commissioner Ranit Singanayagam and Inspector Dave Byrne to determine what remaining remediation efforts were required to maintain the property in safe condition until a building permit could be obtained. Mr. Singanayagam and Mr. Byrne instructed Hope that although they were satisfied with the amount of the Owner's belonging that had been removed from the property there was concerns about the structure and whether there existing any imminent risk or hazard due to the structural deficiencies. It was requested that Hope obtain a Structural Affidavit from a License Structural Engineer to opine on the structural condition of the property.

On November 9th 2017 Hope toured the property with CM Kirby Engineering, PLLC for the purpose of performing a building inspection/walkthrough of the property. In attendance was project architect Jai Sing Khalsa of Khalsa Design Inc. In addition to a review of the existing structural deficiencies of the Property there was also detailed discussion of the proposed renovation plans to restore the property in preparation for a building permit filing. On November 14th 2017 Hope delivered a copy of the Structural Engineer's (see Exhibit A) to Mr. Singanayagam and Mr. Byrne and was informed by Mr. Singanayagam that he was satisfied with the contents of the Structural Affidavit and condition of the property until a building permit could be obtained and work could commence.

Similarly, on November 8, 2017 Hope contacted Lieutenant Towski via email from the Cambridge Fire Department/Prevent and forwarded him the aforementioned structural engineers report and requested if there were any additional remediation measure required to maintain the property in safe condition until renovation work could commence. In a follow up phone conversation Lieutenant Towski stated that there were no additional remediation request from his department although there were a number of construction related requirements that would have to be implemented and those would be a condition of a building permit.

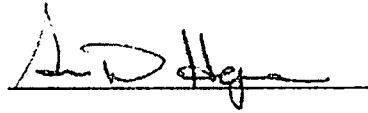
Since the date Arnold Circle was under contract (October 6, 2017) Hope has taken substantial steps in preparation to obtain a building permit and commence renovation including but limited to retaining a registered architect, hiring Existing Conditions to document the building dimensions, retained a Civil Engineer and registered Land Surveyor, and secured a financing letter (see Exhibit B).

The Defendants Kenneth B. Krohn has assented to this Motion.

CONCLUSION

For the reasons set forth above, Intervenor has a contract interest in the matter and should be permitted to Intervene. Further the contract rights and substantial steps taken in furtherance of renovating the property support a finding to Stay the Receiver. Intervenor therefore respectfully request that the motion to Intervene and Stay the Receiver be granted.

Intervener



Sean D. Hope. Esq.

675 Massachusetts Avenue

Cambridge, MA 02139

BBO# 671674

617-492-0220

CERTIFICATE OF SERVICE

I, Sean D. Hope, hereby certify that on December 6, 2017 I served a true and accurate copy of the foregoing document to counsel of record by electronic mail as follows:

Paul S. Kwai
City of Cambridge
pkawai@cambridgema.gov

Daniel G. McAuley
400 Trade Center
Suite 5900
Woburn, MA 01801
dgmesc@comcast.net

Kenneth B. Krohn
700 Huron Avenue
Cambridge, MA 02138
kenkrohn@gmail.com

Sean D. Hope. Esq.

675 Massachusetts Avenue

Cambridge, MA 02139

BBO# 671674

617-492-0220